

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
AT COLUMBUS**

Garey E. Lindsay, Regional Director)	
of the Ninth Region of the National Labor)	
Relations Board, for and on behalf of the)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Petitioner)	
)	
v.)	Civil Action No.
)	
SHAMROCK CARTAGE, INC.)	
)	
Respondent)	

ORDER GRANTING PRELIMINARY INJUNCTION

This cause came on to be heard upon the verified petition of Garey E. Lindsay, Regional Director of the Ninth Region of the National Labor Relations Board, for and on behalf of said Board, for a preliminary injunction pursuant to Section 10(j) of the National Labor Relations Act (the Act), as amended, pending the final disposition of the matters involved pending before said Board, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in said petition. The Court, upon consideration of the pleadings, evidence, memoranda, argument of counsel, and the entire record in the case, has made and filed its Findings of Fact and Conclusions of Law, finding and concluding that there is reasonable cause to believe that respondent has engaged in, and is engaging in, acts and conduct in violation of Sections 8(a)(1) and (3) of the Act, and that such acts and conduct will likely be repeated or continued unless enjoined.

Now, therefore, upon the entire record, it is

ORDERED, ADJUDGED AND DECREED that, pending the final disposition of the matters involved pending before the National Labor Relations Board, respondent, Shamrock Cartage, Inc., its officers, representatives, agents, servants, employees, attorneys, successors and assigns, and all persons acting in concert or participation with it, be and they hereby are enjoined and restrained from:

- (a) Threatening employees with more onerous working conditions because of the Union's lawful bargaining positions;
- (b) Disciplining or discharging employees for their protected Union support, Union activity, participation in Board proceedings, or other activity protected by Section 7 of the National Labor Relations Act; and
- (c) In any like or related manner, interfering with, restraining, or coercing its employees in the exercise of the rights guaranteed in Section 7 of the Act.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pending the final disposition of the matters before the National Labor Relations Board, respondent, its officers, representatives, agents, servants, employees, attorneys, successors and assigns, and all persons acting in concert or participation with it, shall take the following affirmative action:

- (a) On an interim basis, within five (5) days from the date of the District Court's Order, offer Shane Smith, in writing, immediate reinstatement to his former position, or, only if that position no longer exists, to a substantially equivalent position, without prejudice to his seniority or any other rights and privileges previously enjoyed and displacing, if necessary, any person who has been hired or reassigned to replace him;
- (b) On an interim basis, within five (5) days from the date of the Order, rescind the suspension of Smith from April 9 to April 12, 2018, and inform Smith that it has done so;
- (c) Within seven (7) days from the date of the District Court's Order, post copies of the Order at all locations in respondent's facility where notices to employees are customarily posted and maintain such notices free from all obstructions or defacements pending conclusion of the Board's administrative proceeding;
- (d) Within ten (10) days from the date of the District Court's Order: (i) Hold one or more mandatory employee meetings on work time at times when respondent

customarily holds employee meetings and scheduled to ensure the widest possible employee attendance, at which the Court's order will be read to the bargaining unit employees by a responsible management representative of respondent in the presence of a Board agent and the Union, or, at respondent's option, by a Board agent in the presence of a responsible management official; (ii) Announce such meetings in the same manner it would customarily announce a meeting of employees; (iii) Require that all unit employees attend such a meeting; and;

- (e) Within twenty (20) days of the issuance of this Order, file with the District Court and serve a copy upon the Regional Director of Region 9 of the Board, a sworn affidavit from a responsible official which describes with specificity how respondent has complied with the terms of this decree, including the exact locations where respondent has posted the Order.

Dated at Columbus, Ohio this _____ day of _____ 2018.

United States District Judge